

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*RE*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/211,942 12/15/98 LARSON

J 884.078US1

TM02/0410

EXAMINER

SCHWEGMAN LUNDBERG WOESSNER & KLUTH  
P O BOX 2938  
MINNEAPOLIS MN 55402

MENGISTU, A

ART UNIT	PAPER NUMBER
----------	--------------

*5*

2673

DATE MAILED:

04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks***W*

## Office Action Summary

Application No.

09/211,942

Applicant(s)

Jim A. Larson et al

Examiner

AMARE MENGISTU

Group Art Unit

2673



Responsive to communication(s) filed on Feb 26, 2001

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1-15 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-15 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2673

## **DETAILED ACTION**

### ***Claim Rejections - 35 U.S.C. § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by *Ohashi* (5,581,783).

As to claims 1 and 3, *Ohashi* clearly teaches an input stylus composing: a housing (fig.2) having a first end and a second end; a microphone (fig.2 (71)) located at the second end for receiving acoustical signals; a transmitter (fig.2(16,18)) located in the housing for transmitting electronic voice signals received by the microphone to an external device (see, Abstract, col.2, lines 39-53); and a switch circuit (fig.2(17)) for activating the transmitter ; the transmitter transmits the voice signal via wireless (fig.6a (18)).

### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2673

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **KONISHI MASAYUKI** (JP 410093671).

As to claims 1,3, **KONISHI MASAYUKI** (hereinafter **KONISHI**) discloses an input stylus device including a housing having a first end (fig.1 (38)) and an opposite second end (fig.1 (27)); a microphone (fig.1 (33)) located at the middle of the housing for receiving acoustical vocal signals; a transmitter (fig.1 (30)) located in the housing for transmitting electrical voice signals received by the microphone (33) to an external device (see, fig.3); a switch circuit (fig.1 (32)) for activating the transmitter (30); the transmitter transmits the electronic voice signals via wireless (see, fig.3 (12,13)). **KONISHI** did not explicitly disclose that the microphone located at the second end of the housing. However, this is an obvious choice of design as to where the microphone is located. Furthermore, the board had a decision as to the shifting of a location parts as being unpatentable; see, In re Japikse, 86 USPQ 70 (CCPA 1950).

5. Claims 4-6,8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ohashi** in view of *Applicant's Admitted Prior Art (AAPA)* .

As to claims 4-15, **Ohashi** discloses an input stylus composing: a computer processor (30) (CPU); a housing (fig.2) having a first end and a second end; a microphone (fig.2 (71)) located at the second end for receiving acoustical signals; a transmitter (fig.2(16,18)) located in the

Art Unit: 2673

housing for transmitting electronic voice signals received by the microphone to an external device (see, Abstract, col.2, lines 39-53); and a switch circuit (fig.2(17)) for activating the transmitter ; the transmitter transmits the voice signal via wireless (fig.6a (18)). *Ohashi* discloses a computer processor transmitter for transmitting translated voice data (see, col.2, lines 39 - col.3, lines 21). It is obvious to one skill in the art to have recognize that the *Ohashi* 's CPU (30) has to have a voice translation software to translate voce signals into machine readable data in order for the computer to display the voice data transmitted from the stylus .

*Ohashi* teaches a display screen for producing input signals in response to a physical contact by stylus (see, Abstract, col.2, lines 39-53). *Ohashi* did not explicitly disclose that the device is a mobile personal digital assistance having a touch screen display. However, *Applicant's Admitted Prior Art (AAPA)* clearly states that it is well known in the art to use for a mobile personal computer such as lap-tap computer and personal digital assistant to have a touch screen display (pages 1, line 10 - page 2, lines 2).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to use the stylus of *Ohashi* into the mobile personal digital assistance of *Applicant's Admitted Prior Art (AAPA)* because this will provide easy to carry with a grater mobility.

6. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ohashi* in view of *Applicant's Admitted Prior Art (AAPA)* . as applied to claim 1,3-6,8-15 above, and further in view of *Epperson* (5,247,137).

Art Unit: 2673

As to claims 1 and 7, *Ohashi* (as modified by *Applicant's Admitted Prior Art (AAPA)*) clearly teaches a stylus, but failed to teach the stylus having a power supply. The patent of Epperson suggest that it conventional for a stylus to have a poser supply (fig.1(5,6)).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have incorporated the power supply of Epperson into the stylus of *Ohashi*, since this will allow the stylus of *Ohashi* with a power source to ensure simplicity and higher efficiency of operation.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

8. *Any inquiry concerning this communication should be directed to Amare Mengistu at telephone number (703) 305-4880.*

***Any response to this action should be mailed to:***

*Commissioner of Patents and Trademarks*

*Washington, D.C. 20231*

***or faxed to:***

*(703) 308-9051, (for formal communications intended for entry)*

Art Unit: 2673

**Or:**

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

A. Mengistu

Art unit 2673

April 6, 2001



Amare Mengistu  
Primary Examiner